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THE REALIZATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Written statement submitted by the International Human Rights Law Group, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following communication, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[19 May 1992]

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Population transfers

1. The Italian philosopher Machiavelli advised his Prince that the most effective way to hold conquered countries was to establish settlements. This, he said, was more economical and less provocative than military occupation. Throughout the world, his dictum is being put into practice.

2. In over 20 countries, Governments have or are now moving populations from one place to another in order to assimilate dominated peoples or alter the demography of disputed or occupied territories. Sometimes the transfer is forceable. More often, government incentives are sufficient to achieve the desired objectives:

(a) There were few Chinese in Tibet when it was invaded by Chinese forces in 1949. The invading army stayed, however, to be joined by upwards of a million Chinese workers receiving incentives to resettle. Today, Tibetans are a discriminated minority in their capital, Lhassa, and in almost all other Tibetan cities. In Chinese Inner Mongolia and East Turkestan (Sinkiang), native populations are also outnumbered by Han settlers;

(b) The Soviet Union attempted to assure its hold over the Baltic Republics by settling over a million Russians there and deporting hundreds of thousands of Balts to other Soviet territories. In 40 years of Soviet occupation, the percentage of Latvians in Latvia dropped from 77 per cent to 52 per cent, while that of Estonians in Estonia went from 94 per cent to 61.5 per cent;

(c) The Israeli Government is reportedly planning to build 97,000 additional housing units in the West Bank, where some 100,000 Jewish settlers already live, in an attempt to render Israeli hold on these lands irreversible;

(d) Indonesia's massive "transmigration programme" has used government funding and incentives to resettle over 6.5 million people from over-populated Java to the "outer islands" of the vast archipelago inherited from the Dutch. The programme combines developmental objectives with an attempt by the country's Javanese rulers (in the words of the Minister for Transmigration) "to integrate all ethnic groups into one nation - the Indonesian nation. The various ethnic groups will in the long run disappear". One million newcomers have moved to West Papua, given to Indonesia by the United Nations in 1963, as Papuans, who will soon be reduced to a minority, are forced to leave their ancestral lands to make way for timber and mineral exploitation. Transmigrants occupy the most fertile and strategic parts of rebellious Aceh/Sumatra;

(e) Since its invasion of Cyprus, in 1974, the Turkish Government has settled over 50,000 Turks on the part of the island it controls, and from which Greek Cypriots were expelled.

3. Population transfers, particularly expulsions, are nothing new: this year marks the 500th anniversary not only of the European settlement of the Americas, but also of the expulsion of Jews and Arabs from Spain. Native

Americans were forced westward, Acadians were forced from Nova Scotia and Huguenots from France. Stalin deported hundreds of thousands of Volga Germans and Crimean Tartars to Soviet Asia. After World War II, some 16 million Germans were expelled from lands lost by the Reich, while treaties mandated the reciprocal transfer of Hungarians and Slovaks, Hungarians and Serbs and Croats, and Poles and Soviets. Idi Amin expelled Uganda's Asian population.

4. What has changed is the recognition that many such transfers are illegal. International law now prohibits forced deportations, and European and African human rights treaties prohibit collective expulsions. Israeli settlements - as well as other transfers of people into "occupied territories" - are specifically outlawed by the Fourth Geneva Convention. Other settler implantations (as in Tibet and Indonesia) may fall foul of international norms favouring self-determination and protecting indigenous peoples. In 1991, the Sub-Commission expressed concern that population transfers are threatening the national and cultural survival of affected peoples (resolution 1991/28).

5. Remedying the effects of population tranfers is more problematic. What will a free Tibet do with its Chinese, or the State of Palestine with its Israeli settlers? An international conference on population transfers organized in Estonia in January 1992 by the Unrepresented Nations and Peoples Organization produced sharp disagreements on this score. The newly-independent Baltic States, the first to tackle the legacy of population transfers, are now debating nationality laws. Latvia's draft would grant automatic citizenship only to preoccupation citizens and their descendants, while imposing burdensome residency, language and loyalty requirements on Russian "colonizers". One nationalist Latvian conference delegate proudly described this policy as "Russians go home!" Even Estonia's more moderate law temporarily disenfranchised all Russian settlers and fixed language and loyalty requirements. Sub-Commission expert Ms. Claire Palley called for balancing the rights of the original inhabitants against the consequential humanitarian problems of removing settlers. She argued that even under an unlawful occupation, long-time settlers have a right to stay. Persons who knowingly served the occupant, however, "do not deserve special protection against being repatriated upon the occupation ending" lest the fait accompli of occupation be sanctioned.

6. Balancing the right of a people to maintain its cultural identity against the rights of innocent settlers is a delicate task. Less delicate would be calling for an end to ongoing population transfers and enforcing this appeal through economic sanctions.